

Glenda Wiles

From: Bill LaCroix [blacroix@cybernet1.com]

Sent: Monday, July 09, 2007 12:20 PM

To: Glenda Wiles

Subject: letter to weed board

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Ravalli County Commissioners

July 9, 2007

*CCD
Weed
Dept*

From: Bill LaCroix
822 Sweathouse Cr. Road
Victor, MT 59875

To:
Ravalli Co. Weed Board

Hello all,

Regarding the Weed District's unfortunate spraying of my right-of-way on 249 McCarthy Loop on May 17, 2007:

Notwithstanding the importance I place on this incident, I couldn't make the last weed board meeting, due to my being out of town dealing with pressing family matters, which is ironically the case again tonight. I did talk in depth with Bryce in early June before the last meeting, at which time he told me that Doug (the truck driver) admitted that he left the sprayer on in spite of the voluntary agreement signs I had correctly posted on each end of the right-of-way, and that Larry Trexler also admitted to the incident. Bryce also sincerely apologized, which went a long way with me. He said he would do everything he could to make up for what was obviously a breach of contract between this landowner and the county. I had to leave it there for the time being and went on with my urgent business, confident that Bryce would relay my concerns and request that the county admit fault and clean up their mistake, which I believe he did.

However, when I returned I met with Bryce again (on his last day of work, again ironically) to go over the situation, and he gave me a letter written by Assistant Co. Attorney Alex Beal claiming that the county has no responsibility to honor any agreements it enters into with landowners concerning 'weeds'. I want to re-emphasize that until this last meeting with Bryce I believed that the Weed Board and District would deal fairly with my concerns and that I saw that as progress over what had gone on in the past. I'd still sincerely like to believe that the Board and District actually do understand that citizens like myself have every right and reason to have informed concerns about the toxic pesticides the county uses and to expect the county to honor and respect our legal contracts regarding them. I, as always, would rather work with the Weed Board rather than fight with it, and even now I'd like you to understand that I am not criticizing any one of you specifically at this time but I am expressly giving notice to the Weed Board and District, as well as the County Commission, that I'm not going to let this kind of ridiculous nonsense stand.

First off, the county OF COURSE has to honor its voluntary agreements with citizens. Look up MCA 7-22-2153 . "Any person may voluntarily seek to enter into an agreement for the management of noxious weeds along a state or county highway or road bordering or running through the person's land." That obviously means that I have the right to enter into an agreement with the county and, while the county ultimately retains the right to treat weeds in areas that are out-of-compliance with such an agreement, there is a long protocol the county

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and landowner has to complete before the agreement can be terminated which obviously does not even apply when we're talking about incompetent mistakes made by county employees. You know this. We went through all this in detail long ago, and for the county to claim otherwise now, after I asked the county to accept blame and reasonable consequences for what is essentially an illegal spraying incident is, in effect, the epitome of bad faith. I've already asked one County Commissioner to ask Mr. Beal what he meant by this assertion, and I intend to pursue the matter until the County assures me that it understands its responsibilities in regards to these Voluntary Agreements.

The other old issue this incident opens up for me is the longstanding and truly ridiculous assertion by past and current County employees and officers that it is illegal for a landowner to allow one single noxious weed to flower on their property. 7-22-2116 stated that "it is unlawful for any person to permit any noxious weed to propagate or go to seed on the person's land, except that any person who adheres to the noxious weed management program of the person's weed management district or who has entered into and is in compliance with a noxious weed management agreement is considered to be in compliance with this section". I've gone over and over this with this Board in the past as some of you know, and now, since the above-mentioned letter asserts that the county has the perfect right to spray any weed at any time on anyone's property notwithstanding any agreement it enters into with any entity, I have to ask for the 100th time: is it REALLY this county's weed management program to declare each and every person who has a single noxious weed within its management district 'out-of-compliance' and, if so, what possible connection does such authoritarian aspirations have with actual Integrated Pest Management?

Since this letter will also be sent to other county and state offices who won't be familiar with my and the board's shared history, I'll continue to restate what I have gone over with some of you many times before. The term 'voluntary' in the phrase 'voluntary agreement' does not mean the county can 'voluntarily' honor the agreement or not. It means specifically that I, the landowner, am being forced to voluntarily assume the county's responsibility in controlling noxious weeds on my right-of-way, and, in the case of Ravalli Co., I am paying for my right to do so. Those of you who remember my involvement with the board in the past will recall that I objected to this policy was being written, citing that forcing a landowner to pay for signs and making them fill out an overly complicated, binding 'weed-control' plan that few but the most informed citizens (or weed district employees) on Integrated Pest Management could even understand is a disincentive for concerned citizens to enter into such agreements, and could actually be viewed as a purpose of such inscrutable policy. And in fact on at least one occasion I am aware of, a landowner who has ½ mile of right-of-way under voluntary agreement was sent a letter by the Weed district informing her that she was 'out-of-compliance' with the agreement for having THREE flowering knapweed heads within the agreement area. In other words, county employees with little knowledge of IPM or the intent of weed law were being paid salary to drive around the county, not to gather data on how their spray program is actually working as per actual IPM protocols, not to make sure that voluntary agreements are honored and respected by ALL county employees, but rather to 'inspect' citizens who were essentially and properly asking the county to just leave them alone. Furthermore I need to point out that even with such an inadequate and disrespectful system in place, my right-of-way consistently received 'attaboy' letters from the weed district. So not only did the district send employees out on county time to 'inspect' me and to make sure I was complying with the minutest letter of its burdensome agreements (a standard it doesn't hold itself to), when the time comes to spray it can't afford any similar measures to make sure their employees aren't wasting expensive (and toxic) chemicals on rights-of-ways it says itself

doesn't warrant it. I still think that's extremely weird, and also constitutes selective-enforcement, which is naughty.

Yes, I'm angry now, which I'll re-iterate once more I didn't want to be. But you guys just can't continue to do this. Bryce asked me what I would accept as 'compensation' for the incident, and I do appreciate that offer, but with Alex's letter unresolved you can understand why I'd be reluctant to enter into any agreement with this board at this time. I would ask the County Commissioners to direct the Weed Board to admit culpability as per the law and do a soil samples test on my right-of-way for a baseline determination of the damage. I'd also ask the commissioners to direct the Weed District to provide IPM documentation on the effectiveness of their spray program and, finally, to ask themselves if it is reasonable for the county to adhere to a 'weed management' policy that declares each and every landowner who has a single flowering noxious weed on their property to be 'out-of-compliance' with state law.

I would also ask the Weed Board and the Commissioners not to appoint a new weed district supervisor whose family has close ties to local pesticide application work. State grants are actively pursued by County Weed District supervisors on the county's and the state's nickel, and the conflict-of-interest issues are obvious and potentially quite serious.

Sincerely,

Bill LaCroix
642-6400

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